

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARTIRES JONATH VARGAS,

Petitioner,

v.

9:08-CV-0221
(FJS/DEP)

ATTORNEY GENERAL OF THE
UNITED STATES, PETER D. KEISLER,
UNITED STATES DEPARTMENT
OF HOMELAND SECURITY/IMMIGRATION
AND CUSTOMS ENFORCEMENT,

Respondents.

APPEARANCES:

OF COUNSEL:

Martires Jonath Vargas, *pro se*
#07-R-1271
Ogdensburg Correctional Facility
One Correction Way
Ogdensburg, NY 13669

FREDERICK J. SCULLIN, S.D.J.:

DECISION AND ORDER

Presently before the Court is Magistrate Judge David E. Peebles' March 12, 2008 Report-Recommendation in which he recommends that Vargas's petition for a writ of habeas corpus be denied and dismissed without prejudice to petitioner refiling the petition in the appropriate Circuit Court of Appeals; and further recommending that petitioner's request to proceed with this action *in forma pauperis* be denied as moot and the Court having reviewed the Report-

Recommendation and the entire file in this matter and no objections to said Report-Recommendation having been filed, the Court hereby

ORDERS that the Report-Recommendation filed by Magistrate Judge David E. Peebles on March 12, 2008 is, for the reasons stated therein, accepted in its entirety; and the Court further

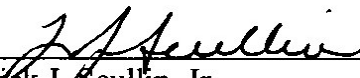
ORDERS that Vargas's petition for a writ of habeas corpus is **DENIED** and **DISMISSED** without prejudice to petitioner refileing the petition in the appropriate Circuit Court of Appeals, and the Court further

ORDERS that petitioner's request to proceed with this action in forma pauperis is **DENIED** as moot, and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of the respondents and close this case.

IT IS SO ORDERED.

Dated: April 2, 2008
Syracuse, New York


Frederick J. Scullin, Jr.
Senior United States District Court Judge